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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,632	11/15/2001	Sumio Nishiyama	Q66942	7412

7590 08/10/2005

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Washington, DC 20037-3202

EXAMINER
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VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/987,632

Applicant(s)

NISHIYAMA, SUMIO

Examiner

William C. Vaughn, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/2/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Action is in regards to the most recent papers received on 02 July 2003.
2. The application has been examined. **Claims 1-12** are pending. The objections and rejections cited are as stated below:

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashby et al. (Ashby), EP 043895 in view of Tagi, U.S. Patent NO. 6,473,790.
5. Regarding **claim 1**, Ashby discloses a data distribution system comprising: a plurality of data files structured individually by dividing distributed data by function [see Ashby, section 0002-0004]; and data distribution means for selecting any data files from among the plurality of data files, combining the selected data files into distributed data, and distributing the distributed data [see Ashby, sections 0054-55]. However, Ashby does not explicitly disclose the term distribution server.
6. In the same field of endeavor, Tagi discloses (e.g., network system for serving information to mobile terminal apparatus). Tagi discloses a distribution server [see Tagi, abstract, Col. 1, lines 6-9, Col. 2, lines 57-67, Col. 3, lines 1-63].
7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Tagi's teachings of a network system for

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serving information to mobile terminal apparatus with the teachings of Ashby, for the purpose of providing information to a user which will help the user's activities when he/she goes to an unfamiliar building or facility [see Tagi, Col. 1, lines 24-31]. By this rationale **claim 1** is rejected.

8. Regarding **claim 2**, Ashby-Tagi discloses wherein the data distribution means responds to a formation condition set at a terminal to receive data distribution from said data distribution server and selects data files fitted for the formation condition from among the plurality of data files [see Ashby, sections 005-0057]. By this rationale **claim 2** is rejected.

9. Regarding **claim 3**, Ashby-Tagi discloses wherein identification codes by function are assigned to the plurality of data files and any desired identification code is specified at the terminal, whereby the formation condition of the distributed data is set [see Ashby, sections 0060]. By this rationale **claim 3** is rejected.

10. Regarding **claim 4**, Ashby-Tagi discloses wherein the data files are files of data by function into which data concerning a map is divided by navigation function [see Ashby, sections 0053-0057]. By this rationale **claim 4** is rejected.

11. Regarding **claim 5**, Ashby-Tagi discloses wherein a required function for navigation is specified at a navigation system of a terminal to set the formation condition of the distributed data [see Ashby, sections 0054-0058]. By this rationale **claim 5** is rejected.

12. Regarding **claim 6**, Ashby-Tagi discloses wherein the data file is at least one of road data, background data, comment data, guidance data, and route calculation data [see Ashby, abstract]. By this rationale **claim 6** is rejected.

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13. Regarding **claim 7**, Ashby-Tagi discloses wherein the data files are files of data by function of at least a display function, a locating function, a search function, and a route calculation function [see Ashby, sections 0039]. By this rationale **claim 7** is rejected.

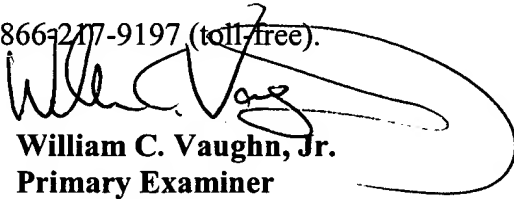
14. Regarding **claims 8-12**, the limitations of these claims are substantially the same as that of claims 1-7 and thus are rejected utilizing the same rationale for rejecting claims 8-12 above.

***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**William C. Vaughn, Jr.**  
**Primary Examiner**  
**Art Unit 2143**  
**21 July 2005**

WCV